

(cont'd)  
a1

(c) curing the gel composition to form a nanoporous dielectric coating on the substrate.

In claim 3, line 7, please change "1,4,1,4-butanediol" to --- 1,4-butanediol ---.

Cancel claims 14 and 15.

#### REMARKS

The Examiner has subjected this application to restriction under 35 U.S.C. 121. The Examiner has formed two groups of claims, the first drawn to a method and the second drawn to a product. The Examiner has asserted that these groups of claims represent distinct inventions and may properly be restricted. Applicants hereby provisionally elect claim group I directed to claims 1-29 for examination. However, the restriction requirement is traversed. It should be noted, the Commissioner may statutorily require the election of inventions "If two or more independent and distinct inventions are claimed in one application." In the instant case the Examiner is alleging that the inventions of groups one and two are distinct, although absolutely no showing of such distinctness has been made.

The Examiner's attention is directed to 37 C.F.R. 1.141(b) where allegedly different classes of inventions may be included and examined in a single application provided they are so linked as to form a single inventive concept. Please note that claims for a product are specifically authorized for examination together with claims for one process specially adapted for the use of that product. This is exactly the type of case for which the rule was promulgated, i.e., to avoid burdensome and unnecessary restrictions. It is also asserted that the requirement to restrict the present application would be an unnecessary burden upon the Applicants and the Examiner's failure to follow the mandates of the statute and regulation would be a denial of due process. For these reasons it is respectfully urged that the restriction requirement be rescinded.

The examiner has rejected claims 1-29 under 35 U.S.C. 102 over Smith, et al.

It is respectfully submitted that this ground of rejection has been overcome by the instant amendment.

The claims have been amended to require that the alkoxysilane composition comprises a combination of an alkoxysilane, an organic solvent composition, water, and an optional base catalyst. The organic solvent composition comprises a relatively high volatility solvent having a boiling point of about 120 °C or less, and a relatively low volatility solvent selected from the group consisting of di(ethylene)glycol monomethyl ether, tri(ethylene)glycol monomethyl ether, tetra(ethylene)glycol monomethyl ether, di(propylene)glycol monomethyl ether, tri(propylene)glycol monomethyl ether, triethylene glycol monomethyl ether, and mixtures thereof. Smith, et al do not teach or suggest an alkoxysilane composition requiring such a monomethyl ether. Such low volatility monomethyl ether containing compounds have better stability principally because they have only a single OH group. The low volatility solvents of Smith, et al have two or more OH groups which form an undesired bridging species. The present invention teaches away from Smith, et al since Smith, et al (at column 5, lines 35-40) advocate the use of ethylene glycol for exchanging with ethoxy groups on the alkoxysilane. Such have been found to undesirably crosslink and produce a low storage stability composition. Since Smith, et al do not mention compositions containing monomethyl ethers, it is submitted that the rejection under 35 U.S.C. 102 is overcome.

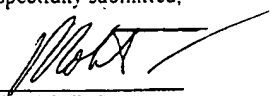
The examiner has rejected claims 1-29 under 35 U.S.C. 103 over Smith, et al.

It is respectfully submitted that this ground of rejection has been overcome by the instant amendment. The reasons for this rejection have not been stated in the Office Action, however, it is submitted that this ground of rejection should be rescinded for the same reasons stated above. Specifically, since Smith, et al do not suggest compositions containing monomethyl ethers, it is submitted that the rejection under 35 U.S.C. 103 should be rescinded. The examiner agrees that Smith, et al do not suggest a combined stream as in claims 10-12

The examiner has rejected claims 1-29 for obviousness type double patenting over Smith, et al as well as U.S. 5,807,607. It is submitted that this ground of rejection is inapposite. Neither Smith, et al nor U.S. 5,807,607 claim a method wherein the alkoxysilane composition contain a monomethyl ether. For these reasons it is submitted that this ground of rejection should be rescinded.

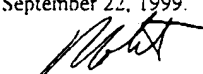
The undersigned respectfully requests re-examination of this application and believes it is now in condition for allowance. Such action is requested. If the examiner believes there is any matter which prevents allowance of the present application, it is requested that the undersigned be contacted to arrange for an interview which may expedite prosecution.

Respectfully submitted,



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I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office (FAX No. 703-308-7382) on September 22, 1999.



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